No. 677

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JOHN F. DAVIS, CLE

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

NICHOLAS DeB. KATZENBACH, AS ATTORNEY GENERAL OF THE UNITED STATES, THE UNITED STATES, and NEW YORK CITY BOARD OF ELECTIONS, consisting of JAMES M. POWER, THOMAS MALLEE, MAURICE J. O'ROURKE, and JOHN R. CREWS,

Appellants,

v.

JOHN P. MORGAN AND CHRISTINE MORGAN

Appeal from the United States District Court for the District of Columbia

JURISDICTIONAL STATEMENT OF APPELLANT NEW YORK CITY BOARD OF ELECTIONS

LEO A. LARKIN,
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The City of New York,
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New York, N.Y., 10007.

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Opinion Below

The opinion of the United States District Court for the District of Columbia (not yet reported) is set forth in Appendix A, pp. 7-33.*

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* Appendix references herein are to the appendices contained in the jurisdictional statement filed by the Attorney General of the United States in this case.

Jurisdiction

By an order and judgment entered December 7, 1965 (Appendix B, pp. 34-35), the statutory three-judge district court, convened pursuant to 28 U.S.C. 2282, enjoined the enforcement of Section 4(e) of the Voting Rights Act of 1965 (P.L. 89-110, 79 Stat. 439) on the ground of its unconstitutionality. A notice of appeal to this Court was filed on December 20, 1965 by the New York City Board of Elections, and on December 13, 1965 by both Nicholas deB. Katzenbach, as Attorney General of the United States, and the United States. The jurisdiction of this Court to review the decision of the district court rests upon 28 U.S.C. 1252 and 1253.

Constitutional and Statutory Provisions Involved

Section 4(e) of the Voting Rights Act of 1965 and the pertinent parts of Article II, Section 1, of the New York Constitution and Sections 150 and 168 of the New York Election Law (McKinney's Consolidated New York Laws Ann.) are reproduced in Appendix C, pp. 36-37.

Question Presented

Whether Section 4(e) of the Voting Rights Act of 1965 is a constitutional exercise of Congressional power.

Statement and Substantial Nature of the Questions Presented

The New York City Board of Elections respectfully refers this Court to the Jurisdictional Statement filed by appellants Nicholas deB. Katzenbach, as Attorney General

of the United States, and the United States, and rests thereon. This appellant agrees with the Solicitor General of the United States Department of Justice that the questions presented are substantial and that probable jurisdiction should, therefore, be noted and the cause set down for argument this Term.

December 1965

LEO A. LARKIN,
Corporation Counsel of the City of New York, Attorney for Appellant.